



SO ORDERED.

SIGNED this 23 day of July, 2010.

A handwritten signature in black ink, reading "Randy D. Doub", is written over a horizontal line.

Randy D. Doub
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION**

IN RE:

**COASTAL PLAINS PORK, LLC,

DEBTOR.**

**CHAPTER 11
CASE NO. 09-08367-8-RDD**

**FIRST NATIONAL BANK OF OMAHA,
a National Banking Association,**

**ADVERSARY PROCEEDING
NO. 09-00214-8-RDD**

Plaintiff,

vs.

**FARMERS COOPERATIVE SOCIETY,
SIOUX CENTER IOWA, and
COOPERATIVE ELEVATOR
ASSOCIATION,**

Defendants.

**ORDER DENYING DEFENDANTS'
MOTION TO CERTIFY QUESTIONS
OF LAW TO THE IOWA SUPREME COURT**

Pending before the Court is the Motion to Certify Questions of Law to the Iowa Supreme Court and the Memorandum of Law In Support of Counterclaimants' Motion to Certify Questions of Law to the Iowa Supreme Court filed by Jennifer K. Bennington on behalf of Cooperative Elevator Association ("CEA") and Farmers Cooperative Society, Sioux Center, Iowa ("FCS") on

October 30, 2009 (the “Motion”), and the Response and Objection to the Motion by Defendants and Counterclaimants Farmers Cooperative Society of Sioux Center, Iowa and Cooperative Elevator Association to Certify Questions of Law to the Iowa Supreme Court and the Memorandum of Law in Support of its Response and Objection filed by Anna B. Osterhout on behalf of First National Bank of Omaha (“FNBO”) on November 16, 2009 (the “Objection”). Subsequently, the Court permitted intervention by Elijah T. Morton, James E. Maides, Clayhill Farms, Inc., Russell Brock, Harry C. Parker, John Jay Burney III, Jack C. Bisette, John W. Kilpatrick, Robert Lee Phillips Jr., George W. Newkirk, Parker’s Porkers, Inc., William B. Sutton, JBJ Kilpatrick Farms, Inc., Newkirk Farms, Inc., Carolina Bay, Ltd., Stoneybrook Farms, Ltd., and Cypress Pork, LLC. Several of the intervenors joined in a response objecting to the Motion. The Court conducted hearings in Wilson, North Carolina on March 2, 2010 and on June 30, 2010 to consider the Motion and the Objection.

Pursuant to the motion, FCS and CEA request that this Court certify two questions of law to the Iowa Supreme Court. First, the Motion requests certification as to whether “...the priority granted by *Iowa Code* § 570A.5(3) to suppliers of livestock feed over earlier perfected liens and security interests, to the extent of the difference between the acquisition price and the fair market value of the livestock at the time the lien attaches or the sale price of the livestock whichever is greater, invalidated against the priority of the lien and security interest of the lender who holds an earlier perfected lien in the subject livestock, if the supplier of livestock feed has not first sent a certified request and waiver signed by the farmer under *Iowa Code* § 570A.2(3) to such lender prior to delivery of the feed?” The second question for certification is, “[i]f the livestock feed supplier has priority pursuant to *Iowa Code* § 570A.5(3), how is the acquisition price determined if the livestock were born from sows owned by the farmer at the time of birth?”

The Motion to Certify Questions of Law to the Iowa Supreme Court is **DENIED** based on the order of this Court granting Plaintiff's Motion for Summary Judgment and denying Defendant's Motion for Partial Summary Judgment simultaneously entered herewith.

SO ORDERED.

END OF ORDER